

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/696,519	MUMM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John L. Goff	1733	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed 8/8/05.
2. ☒ The allowed claim(s) is/are 1-27 and 34-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>09272005</u>.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u>.</li> </ol> |
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Continuation of Attachment(s) 9. Other: Initialed interview summary submitted in applicants response as requested by applicants.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steve Wigmore on 9/27/05.

2. The application has been amended as follows:

#### **In the Specification:**

3. On page 25, line 7 after "0.5 to about 3000" insert - - or about 0.5 to about 2900 - -.
4. On page 57, line 11 after "g/10 min." insert - - Based on the examples described below, the resins can consist entirely or essentially of thermoplastic polyethylene resins having flow properties corresponding to an MI of about 2.2 to about 105 g/10 min. as measured in accordance with ASTM D 1238; and a viscosity between approximately 230,000 and 4,881,000 cps at about 270°F with a shear rate of about  $10 \text{ sec}^{-1}$  as measured in accordance with ASTM D 3835. - -.

#### **In the Claims:**

5. In claim 1, line 17 delete "3000" and insert therein - - 2900 - -.
6. In claim 23, line 4 delete "an organic polymer" and insert therein - - a stitch bind composition comprising an organic polymer which is present at about 0.2 to about 3 ounces per square yard of the stitched side, the stitch bind composition having a viscosity effective for

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coating or penetrating the stitches to contact the filaments thereof ranging from about 0.5 to 2900 cps and comprising an aqueous liquid component - -.

7. In claim 24, line 28 delete "3000" and insert therein - - 2900 - -.
8. In claim 25, line 18 delete "3000" and insert therein - - 2900 - -.
9. In claim 26, line 17 delete "3000" and insert therein - - 2900 - -.
10. In claim 27, line 7 delete "3000" and insert therein - - 2900 - -.

### **REASONS FOR ALLOWANCE**

11. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or suggest a process of manufacturing tufted carpets comprising applying a stitch bind composition to a stitched side of a tufted primary carpet backing wherein the stitch bind composition comprises an organic polymer component and an aqueous component, the stitch bind composition is applied in an amount of about 0.2 to about 3 ounces of the organic polymer component per square yard of the stitched side and the stitch bind composition has a viscosity of 0.5 to 2900 centipoise, followed by applying a thermoplastic binder to the coated stitched side of the tufted primary carpet backing wherein the thermoplastic binder consists entirely or essentially of polyethylene having a melt index of about 2.2 to about 105 g/10 min. (as measured in accordance with ASTM D 1238) and a viscosity between about 230,000 and 4,881,000 centipoise at about 270 °F with a shear rate of about 10 sec<sup>-1</sup> (as measured in accordance with ASTM D 3835).

Smedberg teaches a process of manufacturing tufted carpets comprising applying a stitch bind composition to a stitched side of a tufted primary carpet backing followed by applying a

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thermoplastic binder to the coated stitched side of the tufted primary carpet backing. However, Smedberg does not disclose the thermoplastic binder has a melt index of 2.2 to 105 g/10 min. nor does Smedberg disclose the thermoplastic binder has a viscosity of 230,000 to 4,881,000 centipoise, in fact Smedberg specifically teaches the viscosity is usually 5,000 to 50,000. Bieser et al. teach a process of manufacturing tufted carpets comprising applying a stitch bind composition to a stitched side of a tufted primary carpet backing followed by applying a thermoplastic binder to the coated stitched side of the tufted primary carpet backing. However, Bieser et al. do not disclose the stitch bind composition has a viscosity of 0.5 to 2,900 centipoise nor does Bieser et al. disclose the stitch bind composition is applied in an amount of about 0.2 to about 3 ounces of the organic polymer component per square yard of the stitched side, in fact Bieser et al. specifically teach the stitch bind composition has a viscosity of 3,000 to 50,000 centipoise and the stitch bind composition is applied between 4 and 12 ounces per square yard.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **(571) 272-1216**. The examiner can normally be reached on M-F (7:15 AM - 3:45 PM).

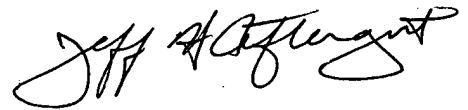
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John L. Goff



JEFF H. AFTERGUT  
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